

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
+ + + + +  
MEETING

IN THE MATTER OF:

Eun & Peter, Inc., t/a	
Uncle Lee's Seafood	Show Cause
1102 Eastern Avenue NE	Hearing
License No. 85918	(Status)
Retailer A	
ANC 7C	

Case Number 13-CMP-00287

Wednesday  
February 5, 2014

The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street N.W., Washington, D.C., Chairperson Ruthanne Miller presiding.

PRESENT:

RUTHANNE MILLER, Chairperson  
NICK ALBERTI, Member  
DONALD BROOKS, Member  
HECTOR RODRIGUEZ, Member  
MICHAEL SILVERSTEIN, Member  
JAMES SHORT, Member  
HERMAN JONES, Member

ALSO PRESENT:

Maureen Zaniel, OAG  
Janea Raines, OAG  
Derek Brooks, Investigator, ABRA

1 P-R-O-C-E-E-D-I-N-G-S

2 (2:04 p.m.)

3 CHAIRPERSON MILLER: Okay, the  
4 Board is back on the record. Our other  
5 Members will be joining us shortly, I'm sure.  
6 I'm calling the Case Number 13-CMP-00287,  
7 Uncle Lee's Seafood, located 1102 Eastern  
8 Avenue NE, License Number 85918 in ANC 7C.  
9 When the parties are ready, would you  
10 introduce yourselves for the record, please?

11 MR. JUNG: Good afternoon, I'm  
12 Peter H. Jung, representing Uncle Lee's  
13 Seafood.

14 MS. ZANIEL: Good afternoon.  
15 Maureen Zaniel, on behalf of the District of  
16 Columbia, and with me is Janea Raines, a pro  
17 bono attorney in our office. She's barred in  
18 the State of New Jersey and will participate  
19 here today under my supervision.

20 CHAIRPERSON MILLER: Okay.  
21 Welcome.

22 MR. JUNG: Welcome.

1 CHAIRPERSON MILLER: Did you say  
2 your name was Mr. Jung?

3 MR. JUNG: Peter.

4 CHAIRPERSON MILLER: Peter Jung,  
5 okay. All right, so this is a show cause  
6 hearing, are there any preliminary issues?

7 MS. ZANIEL: None from the  
8 Government.

9 CHAIRPERSON MILLER: Okay. Are  
10 you familiar with these types of proceedings?

11 MR. JUNG: Not really.

12 CHAIRPERSON MILLER: Okay. Well,  
13 this is a show cause hearing and the  
14 Government has the burden of proof. They've  
15 noticed you with certain charges and --

16 MR. JUNG: Okay.

17 CHAIRPERSON MILLER: So they'll be  
18 going first to make an opening statement. You  
19 can make an opening statement, if you like,  
20 it's not evidence you're not required to, it  
21 just gives a general idea of what your case is  
22 going to be, but you're not required to.

1                   And then the Government will  
2                   proceed with presenting any witnesses or  
3                   documents to make the case. And you can cross  
4                   examine the witness. And then you'll have a  
5                   chance to put on your case in defense.

6                   MR. JUNG: Just have one question.

7                   CHAIRPERSON MILLER: Okay.

8                   MR. JUNG: I was ticketed for \$500  
9                   for showing for DCLA 1204 Retailers and Books  
10                  and Record. I understand that I have to show  
11                  vendors invoices, but I was talking to another  
12                  inspector and he said I don't have to show the  
13                  cash register tapes. I was fined \$500 for not  
14                  showing the cash register tapes.

15                  CHAIRPERSON MILLER: Okay, that  
16                  sounds like what your defense might be here.

17                  MR. JUNG: Yes.

18                  CHAIRPERSON MILLER: Okay, so --

19                  MR. JUNG: But I just wanted to  
20                  ask if there was a violation or not, not  
21                  showing the cash register tapes?

22                  CHAIRPERSON MILLER: I can't

1 really answer that right now.

2 MR. JUNG: Oh, okay.

3 CHAIRPERSON MILLER: But you can,  
4 if they have a witness --

5 MR. JUNG: Okay.

6 CHAIRPERSON MILLER: -- you can  
7 cross examine the witness on that kind of  
8 question.

9 MR. JUNG: But I don't know the  
10 rule that's --

11 CHAIRPERSON MILLER: Okay, right.  
12 So you can't really ask us at this point.

13 MR. JUNG: Okay.

14 CHAIRPERSON MILLER: We're going  
15 to hear the case and hear your defense.

16 MR. JUNG: Okay.

17 CHAIRPERSON MILLER: But if the  
18 Government puts on a witness, which I expect  
19 that they will, you can ask that witness  
20 questions and that will probably go to --

21 MR. JUNG: Okay.

22 CHAIRPERSON MILLER: -- that will

1 go to some of your issues, I expect.

2 MR. JUNG: Okay.

3 CHAIRPERSON MILLER: Okay. And if  
4 you have other questions as we go along you  
5 can ask me what the process is.

6 MR. JUNG: Okay, thank you, ma'am.

7 CHAIRPERSON MILLER: Okay. So we  
8 can start then, does the Government have an  
9 opening statement?

10 MS. ZANIEL: Yes, briefly.

11 CHAIRPERSON MILLER: Okay.

12 MS. ZANIEL: Members of the Board,  
13 the matter you'll hear today is very straight  
14 forward. The investigator will testify about  
15 these specific violations of this licensee.  
16 And they are some of your more straight  
17 forward ones, with respect to too much  
18 advertising in the windows with failure to  
19 have lettering on the door that indicates the  
20 license number, class and so forth, failing to  
21 post the pregnancy sign. And lastly, failing  
22 to maintain an appropriate receipt for the

1 sales of liquors from his liquor store. And  
2 at the conclusion of the evidence we will be  
3 asking that the Board to find that the charges  
4 are made out for the evidence and we will make  
5 a recommendation with respect to a fine.

6 CHAIRPERSON MILLER: Okay. So,  
7 Mr. Jung, do you want to make an opening  
8 statement like that, not discuss your evidence  
9 but just what your defense may be, or anything  
10 like that? You don't have to, but you can.

11 MR. JUNG: What, I didn't  
12 understand about the tickets, they were cited  
13 as a second offenses. When I asked for, I  
14 guess, this is the defense then.

15 CHAIRPERSON MILLER: It sounds  
16 like your defense.

17 MR. JUNG: Yes.

18 CHAIRPERSON MILLER: And your  
19 defense is going to be under oath, so you  
20 don't have to make an opening statement. Or,  
21 if you decide to do so, let me just tell you,  
22 you can just do it after the Government makes

1       their case.

2                   MR. JUNG: I guess my opening  
3       statement will be my establishment has been  
4       making lot of donations to neighborhood, and  
5       we always been abiding by the law and posting,  
6       I always watch the 25 percent.

7                   And when the lady from Government  
8       came out to not to do over 25 percent  
9       advertising, she told me what to do and I  
10      abided by their law many times.

11                  And I talk to ABRA every day not  
12      to do whatever, what I don't need to do, or  
13      what's the law is.

14                  CHAIRPERSON MILLER: Okay, let me  
15      ask --

16                  MR. JUNG: And then I try to abide  
17      by the law.

18                  CHAIRPERSON MILLER: Okay.

19                  MR. JUNG: Thank you.

20                  CHAIRPERSON MILLER: Okay. And  
21      you're going to have a full opportunity to put  
22      on a defense under oath.



1 MR. JUNG: Okay.

2 CHAIRPERSON MILLER: Okay. Why  
3 don't we then, Ms. Zaniel, do you want to  
4 begin your case?

5 MS. ZANIEL: Yes, thank you.

6 CHAIRPERSON MILLER: Okay.

7 MS. RAINES: Yes, the District  
8 would like to call Mr. Brooks to the stand.

9 CHAIRPERSON MILLER: Good  
10 afternoon.

11 MR. BROOKS: Good afternoon.

12 CHAIRPERSON MILLER: Do you swear  
13 to tell the truth, the whole truth, nothing  
14 but the truth?

15 MR. BROOKS: I do.

16 CHAIRPERSON MILLER: Okay.

17 DIRECT EXAMINATION

18 MS. RAINES: Good afternoon.

19 MR. BROOKS: Good afternoon.

20 MS. RAINES: Could you please  
21 state your full name?

22 MR. BROOKS: Yes, Derek Brooks.

1 MS. RAINES: And what is your  
2 current title, Mr. --

3 MR. BROOKS: An investigator.

4 MS. RAINES: With what  
5 organization?

6 MR. BROOKS: DC Department of  
7 Health.

8 MS. RAINES: And how long have you  
9 been in that position?

10 MR. BROOKS: About a month.

11 MS. RAINES: And what did you do  
12 before that?

13 MR. BROOKS: I was an investigator  
14 for the Alcoholic Beverage Regulation  
15 Administration.

16 MS. RAINES: And how long were you  
17 in that role?

18 MR. BROOKS: About eight months.

19 MS. RAINES: And what were your  
20 responsibilities as an investigator with ABRA?

21 MR. BROOKS: To conduct  
22 inspections and investigations of ABC licensed

1 establishments here in the district.

2 MS. RAINES: And prior to your  
3 ABRA experience, did you have previous law  
4 enforcement experience?

5 MR. BROOKS: Yes, I was an  
6 employee with the Metropolitan Police  
7 Department and the Baltimore City Police.

8 MS. RAINES: Okay. Now with your  
9 involvement with ABRA, how did you become  
10 familiar with Uncle Lee's Seafood?

11 MR. BROOKS: I received an  
12 assignment from my supervisor. It was an  
13 anonymous written complaint in reference to a  
14 sandwich board being, an advertisement  
15 sandwich type board, sitting in front of his  
16 establishment blocking the sidewalk, or  
17 something of that nature.

18 MS. RAINES: And in this line of  
19 work, is it typical to receive anonymous tips?

20 MR. BROOKS: Yes, it is.

21 MS. RAINES: Okay. And usually,  
22 when you receive these, do you go and

1 investigate them in person?

2 MR. BROOKS: Yes, I do.

3 MS. RAINES: Okay. I'd like to  
4 direct your attention to June 26th, 2013.  
5 Were you on duty that evening?

6 MR. BROOKS: Yes I was.

7 MS. RAINES: And was this  
8 particular establishment brought to your  
9 attention that particular day?

10 MR. BROOKS: Yes it was.

11 MS. RAINES: Okay. And what did  
12 you do in response?

13 MR. BROOKS: I responded out to  
14 Uncle Lee's Seafood out on Eastern Avenue and  
15 I took note of that sandwich board, which it,  
16 by the way, did not violate any ABRA  
17 regulation.

18 And I decided to conduct a  
19 regulatory inspection at the same time,  
20 introducing myself to the owner of the  
21 establishment and advising him as to the  
22 nature of my visit.

1                   So I always looked at the front of  
2                   the establishment upon approach. You know,  
3                   you're looking for window lettering, or things  
4                   of that nature.

5                   MS. RAINES: And let me just stop  
6                   you right there, just interrupting for just a  
7                   moment.

8                   MR. BROOKS: Okay.

9                   MS. RAINES: You said when you  
10                  first arrive at an establishment you usually  
11                  look at the front of the establishment, first?

12                  MR. BROOKS: Yes, usually take a -  
13                  -

14                  MS. RAINES: What did you see in  
15                  this particular instance?

16                  MR. BROOKS: I saw advertisement  
17                  for alcoholic beverages listing the amounts of  
18                  the alcoholic beverages, several, in excess of  
19                  the 25 percent that's allowed by the DC Code  
20                  and I noticed that on all the windows and the  
21                  front door.

22                  MS. RAINES: May I approach the

1 witness?

2 CHAIRPERSON MILLER: I'm sorry,  
3 may you approach the witness?

4 MS. RAINES: Yes.

5 CHAIRPERSON MILLER: Yes.

6 MS. RAINES: I'm handing a copy of  
7 the --

8 MR. JUNG: Yes, okay.

9 MS. RAINES: -- of the --

10 MR. JUNG: Okay.

11 MS. RAINES: -- \*\*\*2:13:22  
12 exhibits for licensee. And I've also  
13 \*\*\*2:13:26.

14 CHAIRPERSON MILLER: We'll take it  
15 over here.

16 MS. RAINES: Okay.

17 CHAIRPERSON MILLER: We usually  
18 have somebody to come get it but they're --

19 MS. RAINES: No, absolutely, I  
20 appreciate it.

21 CHAIRPERSON MILLER: But they're  
22 out. Thank you. Okay.

1 (Off the record comments)

2 MR. JUNG: Thank you.

3 MS. RAINES: Now, Mr. Brooks, what  
4 is this?

5 MR. BROOKS: This is the front of  
6 the Uncle Lee's Seafood, whatever the rest of  
7 it is.

8 MS. RAINES: Okay.

9 MR. BROOKS: Of the establishment.

10 MS. RAINES: And who took this  
11 photo?

12 MR. BROOKS: I did.

13 MS. RAINES: And when was it  
14 taken?

15 MR. BROOKS: On that evening,  
16 Wednesday, June 26th, I think that is.

17 MS. RAINES: And is this a fair  
18 and accurate representation of the window as  
19 you saw on this evening?

20 MR. BROOKS: Yes it is.

21 MS. RAINES: Okay. Now turn your  
22 attention to Government's Exhibit 3. Also

1 handing you copies to the licensee.

2 CHAIRPERSON MILLER: Okay, thank  
3 you.

4 MR. JUNG: Okay.

5 MS. RAINES: Now, Mr. Brooks, what  
6 is this?

7 MR. BROOKS: This is the other  
8 side, but is still the front of Uncle Lee's  
9 Seafood.

10 MS. RAINES: And who took this  
11 photo?

12 MR. BROOKS: I did.

13 MS. RAINES: And when was it  
14 taken?

15 MR. BROOKS: Same evening,  
16 Wednesday evening, June 26th.

17 MS. RAINES: Now is this a fair  
18 and accurate presentation of the window, as  
19 you saw it, that evening as well?

20 MR. BROOKS: Yes it is.

21 MS. RAINES: And did you include  
22 these photos as a part of your investigative



1 report that you concluded in this  
2 investigation?

3 MR. BROOKS: Yes I did.

4 MS. RAINES: Okay. At this time,  
5 I would like to admit Government Exhibit 2 and  
6 3 into evidence.

7 CHAIRPERSON MILLER: You're moving  
8 to admit Exhibits 2 and 3 into the record, as  
9 evidence?

10 MS. RAINES: Yes.

11 CHAIRPERSON MILLER: Okay. I'm  
12 going to admit them and add that they are  
13 already part of the record, as attached to the  
14 \*\*\*2:15:26, as well. Okay.

15 MS. RAINES: After your arrival,  
16 did you proceed inside the establishment?

17 MR. BROOKS: Yes I did.

18 MS. RAINES: Okay, and who was  
19 present?

20 MR. BROOKS: The owner, Mr. Jung,  
21 and approximately three other employees  
22 working behind the cash register, behind the

1 partition.

2 MS. RAINES: And once you were  
3 inside, did you continue to investigate the  
4 premises?

5 MR. BROOKS: Yes, I did.

6 MS. RAINES: What else, if  
7 anything, did you find during the  
8 investigation?

9 MR. BROOKS: I noticed that he did  
10 not have a pregnancy warning sign posted  
11 inside the establishment. And once I went  
12 behind the cash register area, or behind, you  
13 know, they have one of those, like,  
14 bulletproof partitions, or something, and once  
15 I went around behind that I observed, you  
16 know, to get the license, their ABRA license,  
17 and to see the posting of the license and all  
18 that, I observed the people, the clerks,  
19 conducting transactions and I noticed that  
20 there were no receipts being given to people.

21 MS. RAINES: And just for  
22 clarification, you mentioned that you saw the

1 clerks conducting transactions, what kind of  
2 transactions were these?

3 MR. BROOKS: People purchasing  
4 alcohol.

5 MS. RAINES: Okay.

6 MR. BROOKS: And paying and they,  
7 you know, rang them up and give them their  
8 purchase. However, they were not giving  
9 receipts. And as a part of the inspection I  
10 wanted to look at his books and records, which  
11 he provided invoices. And, you know, he had  
12 sufficient invoices there to cover the three-  
13 year requirement. So he provided that, but I  
14 said well, what about your sales receipts?  
15 And he told me that the machine had been  
16 broken. He had like two of these registers  
17 back there. He said it was broken. And I  
18 said well how long has it been broken, he said  
19 like several months. And I said well what  
20 about this one that's ringing up? And he  
21 says, oh there's not tape, no register tape in  
22 it. And he looked around for some register

1     tape, or something, and needless to say, they  
2     never put it in, it never worked.

3                 MS. RAINES:   Okay.

4                 MR. BROOKS:   So the people did  
5     transactions and left without receipts.

6                 MS. RAINES:   Okay.   And was this  
7     sufficient, according to ABRA regulations?

8                 MR. BROOKS:   No it was not.

9                 MS. RAINES:   And why not?

10                MR. BROOKS:   Because as a part of  
11     those books and records, you know, being the  
12     invoices for purchases, you'd also to maintain  
13     sales receipts, or guest checks, or whatever,  
14     may be the case for a period of three years  
15     inside of his establishment.

16                MS. RAINES:   So after noticing  
17     these during the course of your investigation,  
18     did you interact with Mr. Jung, regarding  
19     these potential violations?

20                MR. BROOKS:   Yes I did.   I  
21     explained those to him, the requirements,  
22     according to ABRA regulation, that he would

1     have to remove those signs, because he's only  
2     got 25 percent of his windows that can be  
3     covered by advertisements with prices.

4                 He said okay, Okay, I'll take them  
5     down. He started to, appear as though he  
6     would take them down, but he didn't take them  
7     down.

8                 In reference to the register  
9     receipts, I explained to him about regulation  
10    and said unless he had a POS system that he  
11    could keep track of his sales. He said he  
12    didn't have a POS system and he said he would  
13    get some register receipt tapes and he would  
14    get the register repaired, is what he told me.

15                MS. RAINES: And while you were  
16    there, did you give Mr. Jung anything?

17                MR. BROOKS: Yes, I gave him a  
18    pregnancy warning sign and I gave him a  
19    temporary window lettering. You know, I  
20    actually physically wrote out the temporary  
21    lettering.

22                I put in his, you know, the trade

1 name, business name, his ABRA license number  
2 and class. And, you know, that's the standard  
3 temporary form that we give and I gave it to  
4 Mr. Jung.

5 And he taped up the pregnancy  
6 warning sign while I was still there. And I'd  
7 imagine he put the window lettering on the  
8 door, also.

9 MS. RAINES: And after you  
10 concluded your investigation that evening, did  
11 you return to the establishment at any point?

12 MR. BROOKS: Yes I did.

13 MS. RAINES: Do you recall when?

14 MR. BROOKS: I went back that  
15 Friday, the 28th of June.

16 MS. RAINES: Okay. Let's talk a  
17 little bit more about your second visit. And  
18 what was the purpose of this visit?

19 MR. BROOKS: The purpose of that  
20 visit was to issue a citation for those  
21 violations noted on the 26th.

22 MS. RAINES: And when you arrived

1     did you notice the temporary signs that you  
2     had previously given him, were they still  
3     visible?

4                 MR. BROOKS:  Yes, the temporary  
5     window lettering sign was up and that  
6     pregnancy warning sign was still up.  He put  
7     it up and it was still up.

8                 MS. RAINES:  Did you notice that  
9     the advertisements on the outside window were  
10    still up?

11                MR. BROOKS:  Every last one of  
12    them was still  up.

13                MS. RAINES:  Okay.  And at this  
14    point, did you interact with Mr. Jung at all,  
15    during this visit?

16                MR. BROOKS:  Yes I did.

17                MS. RAINES:  What did you say to  
18    him?

19                MR. BROOKS:  I came in and told  
20    him I was there to issue that citation and he  
21    once again said well you don't have to give me  
22    that much, that's a lot, you don't have to

1     give it to me, I'll take these down now. And  
2     I said, well, it's too late for that. You  
3     still need to take them down, but I'm still  
4     going to have to issue you this. And he was  
5     trying to get me to speak to someone on the  
6     phone.

7                   MS. RAINES: Oh. While you were  
8     there, did he take any of those down?

9                   MR. BROOKS: No, he did not.

10                  MS. RAINES: Okay. After this  
11     visit, did you conclude your investigation?

12                  MR. BROOKS: Yes, I did.

13                  MS. RAINES: And what did you do  
14     with your findings at conclusion?

15                  MR. BROOKS: I completed that ABRA  
16     Investigative Report.

17                  MS. RAINES: And just to clarify,  
18     based upon your findings during the course of  
19     your investigation, what violations did you  
20     find?

21                  MR. BROOKS: No window lettering,  
22     no pregnancy warning sign, the books and



1 records violation of not maintaining  
2 sufficient cash register receipts, and the  
3 excess of 25 percent advertisement on the  
4 windows --

5 MS. RAINES: Thank you, Mr.  
6 Brooks.

7 MR. BROOKS: -- of the  
8 establishment.

9 MS. RAINES: Sorry. Thank you.  
10 No further questions at this time.

11 CHAIRPERSON MILLER: Okay. Mr.  
12 Jung, do you have some questions for Mr.  
13 Brooks?

14 MR. JUNG: No.

15 CHAIRPERSON MILLER: Okay, you  
16 don't have to. Do Board Members? Mr.  
17 Alberti.

18 MEMBER ALBERTI: Investigator  
19 Brooks, kind of walk me through how you  
20 determined that he had more than 25 percent of  
21 the window space covered, sort of, you know,  
22 what window space were you counting, what

1 signs were you counting, how did you measure  
2 things, sort of walk me through that.

3 MR. BROOKS: I looked at the  
4 window, the height of the window and the  
5 window lettering, and when I -- if you look at  
6 that picture, halfway up the window is about,  
7 just above that lock on the door.

8 MEMBER ALBERTI: Just above the  
9 lock on the door?

10 MR. BROOKS: Yes, well, it's just  
11 above the, it's, I don't want to call that a  
12 lock.

13 MEMBER ALBERTI: Could be two, or  
14 --

15 MR. BROOKS: If you look up on  
16 that picture, you see on that door, at the  
17 mid-way of that sign on the right -- I'm  
18 sorry, you said on Exhibit Number 2? If you  
19 look at the sign that says, sale \$44.99.

20 MEMBER ALBERTI: Yes.

21 MR. BROOKS: If you were to draw a  
22 line underneath the 44 across, that would be

1       about halfway up the window.

2                   MEMBER ALBERTI:   Okay.   Well,  
3       halfway up starting where, from the floor or  
4       from the glass --

5                   MR. BROOKS:   I did it from the  
6       actual glass.

7                   MEMBER ALBERTI:   The glass, okay.

8                   MR. BROOKS:   And the same on the  
9       other side and the same with that other  
10      window.

11                  MEMBER ALBERTI:   Same with what  
12      other window?

13                  MR. BROOKS:   In the Exhibit Number  
14      3.

15                  MEMBER ALBERTI:   Okay.

16                  MR. BROOKS:   And so I measured it  
17      in that manner and figuring if it covered at  
18      least half of that window that would be more  
19      than 25 percent.

20                  MEMBER ALBERTI:   Did you count the  
21      signs on the door?

22                  MR. BROOKS:   Yes, sir, I think I

1     did.  Or, no, I did not.  He didn't really  
2     have anything on the door.

3                 MEMBER ALBERTI:  Okay.  The only  
4     reason I ask, I mean, the signs on the door  
5     said Alcohol Beverage \*\*\*2:24:00 tobacco  
6     \*\*\*2:24:02, so those would not have been  
7     counted, is that correct?

8                 MR. BROOKS:  No.  No, sir.

9                 MEMBER ALBERTI:  Okay.  And just  
10    to be clear, the licensee didn't tell you that  
11    he had an alternative method of keeping track  
12    of sales, other than --

13                MR. BROOKS:  No, he did not.

14                MEMBER ALBERTI:  -- the cash  
15    register tape?

16                MR. BROOKS:  That was it, sir.

17                MEMBER ALBERTI:  All right.

18                MR. BROOKS:  I asked that  
19    question, like, is this a POS-type system  
20    that, you know, is there -- I looked to see if  
21    there might be a book that someone may jot it  
22    down, absolutely nothing.

1                   MEMBER ALBERTI:  Thank you very  
2 much.

3                   CHAIRPERSON MILLER:  Okay, are  
4 there other questions?  All right, thank you  
5 very much for your very thorough report,  
6 appreciate it.

7                   MR. BROOKS:  Okay, thank you.

8                   CHAIRPERSON MILLER:  Okay.

9                   MR. JUNG:  I have to present --

10                  CHAIRPERSON MILLER:  Wait a  
11 second.  I'll tell you when it's your turn.  
12 It's still the Government's case and we'll  
13 turn to you when they're done.  Are you done?

14                  MS. ZANIEL:  We have no other  
15 evidence to present at this time.

16                  CHAIRPERSON MILLER:  Okay.  So the  
17 Government rests?

18                  MS. ZANIEL:  Yes, ma'am.

19                  CHAIRPERSON MILLER:  Okay.  Now  
20 we can hear from you.

21                  MR. JUNG:  Can I give you these  
22 two pictures to each one?

1 CHAIRPERSON MILLER: You would  
2 like to put some pictures into evidence?

3 MR. JUNG: Yes.

4 CHAIRPERSON MILLER: Okay. So do  
5 they, have you shown the pictures to the  
6 Government?

7 (Off the record comments)

8 MS. ZANIEL: I'm just looking,  
9 thank you.

10 CHAIRPERSON MILLER: Mr. Jung, are  
11 you going to be testifying?

12 MR. JUNG: No, I'm just presenting  
13 my case.

14 CHAIRPERSON MILLER: You're going  
15 to present your case and talk about that?

16 MR. JUNG: Yes.

17 CHAIRPERSON MILLER: So I think  
18 I'd like to swear you in at this point.

19 MR. JUNG: Okay.

20 CHAIRPERSON MILLER: So that  
21 whatever you say is under oath. Do you swear  
22 to tell the truth, the whole truth and nothing

1 but the truth?

2 MR. JUNG: Yes, ma'am.

3 CHAIRPERSON MILLER: Okay. So the  
4 pictures now, can you tell us what it is?

5 (Off the record comments)

6 CHAIRPERSON MILLER: Is that an  
7 extra copy, or are you going to need that  
8 back?

9 MR. JUNG: No, I don't need that  
10 back. If you look at the --

11 MS. ZANIEL: Do you have another  
12 copy for me?

13 MR. JUNG: Oh, I'm sorry. I  
14 didn't know. I didn't, I -- If you look at  
15 the store, I have four --

16 MS. ZANIEL: But --

17 MR. JUNG: -- columns, four  
18 columns, and I only use one column for  
19 advertising, which is less than 25 percent.  
20 I have four front windows, four columns of --

21 CHAIRPERSON MILLER: Maybe we  
22 should make copies, if you're going to be --

1 MR. JUNG: I'm sorry, I'm not --

2 CHAIRPERSON MILLER: That's okay,  
3 but I think that the Government needs to be  
4 looking at it while --

5 (Off the record comments)

6 MR. JUNG: Actually, I have more.

7 CHAIRPERSON MILLER: Oh, you have  
8 more?

9 MR. JUNG: Just one more.

10 CHAIRPERSON MILLER: Well, we're  
11 not going to start until we have enough  
12 copies.

13 MR. JUNG: I'm sorry. I'm so  
14 sorry.

15 CHAIRPERSON MILLER: That's okay.

16 MS. ZANIEL: Excuse me.

17 (Off the record comments)

18 CHAIRPERSON MILLER: For the most,  
19 I was going to -- are you comfortable sitting  
20 in the witness stand?

21 MR. JUNG: Oh yes.

22 (Off the record comments)



1                   CHAIRPERSON MILLER:   Okay.   So  
2   I've sworn you in and we're waiting for some  
3   pictures to be copied.

4                   MR. JUNG:   Okay.

5                   CHAIRPERSON MILLER:   Is there  
6   anything you want to say before the pictures  
7   come back?

8                   MR. JUNG:   Yes.

9                   CHAIRPERSON MILLER:   Okay.

10                  MR. JUNG:   First violation he  
11   sited was this DC \*\*\*2:27:49 1204 retailers  
12   books and records.   We write down all the  
13   sales at the end of the day without the cash  
14   register tape, because the cash register tape  
15   ran out of ink and they was new cash register  
16   and we didn't, we didn't have the ink and  
17   tapes to prove it, but we write down all the  
18   sales again at night.   And he should, what I  
19   meant to show him all the books, but all the  
20   books are kept at home, it's private and  
21   confidential.   And it's kept at home.   I told  
22   him we keep all the sales records at home,

1     because we don't have separate office at this  
2     store. This store so small and it is very  
3     private information and we told him that we  
4     keep all the -- I showed him the invoices for  
5     vendor's invoice and I believe that's the  
6     regulation, to show him the invoices, but I  
7     don't know if the regulations were to show him  
8     all the private, confidential books and  
9     records to the investigator were correct.

10                 Second violation he cited me was  
11     the excess advertising of the window, but if  
12     you look at the window, I have four columns  
13     and I only advertise on one, so that's less  
14     than 25 percent.

15                 And I asked another investigator,  
16     they come out, is this okay, is this okay, and  
17     she said it was okay, that's why I kept it  
18     like that.

19                 The third one, signs for pregnancy  
20     sign, it just fell down and he came me a new  
21     one, I just put it up that day. And the  
22     fourth one, posting of \*\*\*2:29:29 license.

1                   On the picture, on the picture of  
2                   the copy, I have a license posted. He said it  
3                   was not visible and that's why he cited, more  
4                   \$500.

5                   And I asked another investigator  
6                   if it was okay and he said it was supposed to  
7                   be okay if it was not visible, but if you can  
8                   see it from the outside, bulletproof glass, if  
9                   you can see it that's fine.

10                  But my main reason that I'm here,  
11                  that the investigator cited me for second  
12                  violations from three items. But I have not,  
13                  the first violation that I had was go cups on  
14                  April 14, 2012.

15                  The second one was also go cups in  
16                  February 2nd of 2012. And I never had  
17                  violation. First one on posting okay on  
18                  license.

19                  I never had first violation on  
20                  signs and exterior windows 25 percent. I  
21                  never has first violation on retails and  
22                  books.

1                   And only, that's the only reason  
2                   I'm here, to present my case that I was not a  
3                   second time violators, because I try to abide  
4                   by the law every day.

5                   Everything I ask, I try to ask  
6                   DCLA what to do and the advice, but that then  
7                   I, you know, I asked Mr. Brooks, why am I  
8                   being fined for second violations, and he  
9                   said, you know, we can just do this because  
10                  you had some other violations. We can just  
11                  site you for second violations anyway, because  
12                  you had go cup violations. That's a totally  
13                  separate issues.

14                  And I'm just here to present my  
15                  case that I'm not, you know, a second violator  
16                  on these three items. If you give me  
17                  opportunity to tell you that I'm a first time  
18                  violation, I, you know, I'm okay. And I wanted  
19                  to tell Ms. Zaniel that I did not do this  
20                  second time, second time.

21                  But she said the settlement will  
22                  be for \$2,400 not \$1,600, because I'm

1 presenting my case. So I didn't understand  
2 that part either.

3 And next day she call me and she  
4 said well, settlement is going to be for  
5 \$2,200, which is \$600 more. And that's why  
6 I'm here, just to present my case.

7 CHAIRPERSON MILLER: I'm sorry, I  
8 just missed, who told you that?

9 MR. JUNG: Ms. Zaniel.

10 MS. ZANIEL: I think he's saying  
11 Zaniel.

12 CHAIRPERSON MILLER: Okay. Okay.  
13 Okay.

14 (Off the record comments)

15 CHAIRPERSON MILLER: Okay.

16 MR. JUNG: Well, I don't think you  
17 should be penalized for presenting your case  
18 and I don't think you can just fine anyone  
19 because first time it was go cups, second time  
20 you can just, you know, fine somebody \$500,  
21 \$500, \$500, you know.

22 And Mr. Brooks came, you know, day

1 before the violations, he could have give us  
2 warnings. I asked other liquor stores, and  
3 the inspectors come and, you know, they give  
4 us warnings and they tell us, correct this,  
5 correct this, correct this. If he told me to  
6 correct everything, I should have correct  
7 everything, but instead he just --

8 CHAIRPERSON MILLER: Well you're  
9 going too fast, could you say that again,  
10 what, he told you what?

11 MR. JUNG: You know, I asked other  
12 liquor store owners, I got \$1,600 ticket and  
13 he said, no my inspector came and told us what  
14 to do and gave us warning. And I don't  
15 understand why I'm being penalized for \$1,600  
16 for even second, as a second violator.

17 CHAIRPERSON MILLER: Okay.

18 MR. JUNG: Yes, that's my case,  
19 that's all I wanted to say.

20 CHAIRPERSON MILLER: Okay. Did  
21 you want to put some of your pictures in  
22 evidence?

1 MR. JUNG: Yes, yes.

2 CHAIRPERSON MILLER: Please.

3 MR. JUNG: The first one is for  
4 the front. The front, I have four columns of  
5 store front.

6 CHAIRPERSON MILLER: Is this the -  
7 -

8 MR. JUNG: Yes.

9 CHAIRPERSON MILLER: Okay.

10 MR. JUNG: This first column,  
11 second column, third is the door, and then  
12 fourth is the other side. I have four  
13 columns, front.

14 (Off the record comments)

15 CHAIRPERSON MILLER: Do you have a  
16 copy of the picture, maybe you can identify  
17 the columns you're talking about?

18 MR. JUNG: Okay.

19 (Off the record comments)

20 MR. JUNG: This is the first  
21 column in the back, it doesn't really show.  
22 This is the second column. This is the third

1 column, there's another column there.

2 CHAIRPERSON MILLER: Okay.

3 MR. JUNG: There's four columns of  
4 -- I have four columns. And I only use one  
5 column as advertising. That's less than 10  
6 percent.

7 CHAIRPERSON MILLER: When you say  
8 columns, do you mean the two sides, the two  
9 glass next to the door, as one column?

10 MR. JUNG: Yes, another picture,  
11 on this one.

12 CHAIRPERSON MILLER: Wait.

13 MR. JUNG: You can see this one  
14 little bit better. This is one column.

15 CHAIRPERSON MILLER: Okay.

16 MR. JUNG: This is one column,  
17 this is second, this is third, this is fourth.

18 CHAIRPERSON MILLER: Okay. You  
19 should show the opposing counsel.

20 MR. JUNG: This is second, this is  
21 third.

22 CHAIRPERSON MILLER: Okay.



1 (Off the record comments)

2 MR. JUNG: I have four columns.

3 CHAIRPERSON MILLER: Okay.

4 MR. JUNG: And I only advertise as  
5 one column.

6 CHAIRPERSON MILLER: Okay.

7 MR. JUNG: And ABRA inspectors  
8 told me it was perfectly okay.

9 CHAIRPERSON MILLER: So is this  
10 the Exhibit that you want to move into  
11 evidence?

12 MR. JUNG: Yes, yes, yes, yes.

13 CHAIRPERSON MILLER: Okay, you can  
14 go back there. So I'm going to mark this as,  
15 what are you, respondent?

16 (Off the record comments)

17 CHAIRPERSON MILLER: Licensee's  
18 Exhibit Number 1. And which is the picture of  
19 the truck in front of, no, the truck in front  
20 of the --

21 MS. ZANIEL: All right, so the  
22 truck one is going to be --

1 CHAIRPERSON MILLER: Color  
2 picture.

3 (Off the record comments)

4 CHAIRPERSON MILLER: Yes, do you  
5 have any object --

6 MS. ZANIEL: -- Respondent's 1?

7 CHAIRPERSON MILLER: Yes,  
8 Respondent's 1, that's what I thought. Is  
9 there an objection to that?

10 MS. ZANIEL: Well, I have  
11 questions about it.

12 CHAIRPERSON MILLER: Questions  
13 about it, yes. Well, you'll get to ask him  
14 questions --

15 MS. ZANIEL: I guess we can mark  
16 them all first. I'm sorry.

17 CHAIRPERSON MILLER: Okay. All  
18 right, we can do that and then come back to  
19 it. Is there another exhibit you want to put  
20 in, Mr. Jung?

21 MR. JUNG: Yes, ma'am. The second  
22 I'm going, is also for the columns.

1 CHAIRPERSON MILLER: You don't  
2 have them with you?

3 MR. JUNG: This one, this one.

4 CHAIRPERSON MILLER: This one?

5 MR. JUNG: No, ma'am, this is the

6 --

7 CHAIRPERSON MILLER: No.

8 MR. JUNG: Let me show you this  
9 one.

10 CHAIRPERSON MILLER: That's okay.

11 MR. JUNG: This one is --

12 CHAIRPERSON MILLER: You should  
13 have a complete set so you could show  
14 everybody.

15 MR. JUNG: This is the license, I  
16 do have a license here displayed.

17 (Off the record comments)

18 CHAIRPERSON MILLER: Yes. You  
19 need to show where everybody can see.

20 (Off the record comments)

21 MR. JUNG: Okay, here you go,  
22 there's a ABC license, DC Lottery license, all

1 the license are posted. And Mr. Brooks says

2 --

3 (Off the record comments)

4 MR. JUNG: But this one's posted  
5 like this, but it's now, it's posted outside,  
6 but when Mr. Brooks came in it was posted like  
7 this and he gave me a ticket for this.

8 CHAIRPERSON MILLER: Where is the  
9 license, where would you --

10 MR. JUNG: It's in middle right  
11 here.

12 CHAIRPERSON MILLER: No, I  
13 understand that, what room is this, what is  
14 this?

15 MR. JUNG: Right in front of the  
16 lottery games.

17 CHAIRPERSON MILLER: Is this the  
18 bathroom, or is this the --

19 MR. JUNG: No this is \*\*\*2:36:21.

20 MEMBER SILVERSTEIN: Sir, you have  
21 to be on the microphone.

22 CHAIRPERSON MILLER: Yes.

1                   MEMBER ALBERTI:  Sir, I'm afraid  
2                   that this is not being picked up by the court  
3                   reporter, which is a problem.

4                   CHAIRPERSON MILLER:  Right, go  
5                   sit, go near the mic.  We can see from back  
6                   there.

7                   MR. JUNG:  Okay, so this is,  
8                   customers are here, customers are right here,  
9                   lottery tickets are right here.  This is a  
10                  bulletproof glass right here.  Customer can  
11                  see the license.  And this is a lottery,  
12                  lottery machine right here.

13                  CHAIRPERSON MILLER:  Okay.

14                  MR. JUNG:  And we stand right here  
15                  and then do the lottery tickets.

16                  CHAIRPERSON MILLER:  All right  
17                  this will be marked as respondent's Exhibit 2.  
18                  I'm not admitting any of them as yet, until  
19                  the attorney for the Government has a chance  
20                  --

21                  MR. JUNG:  I just wanted to --

22                  CHAIRPERSON MILLER:  -- to

1 question you.

2 MR. JUNG: -- wanted to show that  
3 it was displayed.

4 CHAIRPERSON MILLER: Okay. So  
5 it's respondent's Exhibit 2. Was there  
6 another one?

7 MR. JUNG: And this one also shows  
8 the columns of the store.

9 CHAIRPERSON MILLER: Do you want a  
10 copy?

11 MR. JUNG: Four columns.

12 CHAIRPERSON MILLER: I don't --

13 MR. JUNG: That's all I, yes,  
14 that's --

15 CHAIRPERSON MILLER: Can I see  
16 that? Can I see that? Okay, you would like  
17 that marked as Respondent's Exhibit 3?

18 MR. JUNG: Okay, ma'am.

19 CHAIRPERSON MILLER: Okay.

20 MR. JUNG: I'm sorry, I wasn't  
21 prepared.

22 CHAIRPERSON MILLER: Okay. That's

1 three exhibits?

2 MR. JUNG: Yes, ma'am.

3 CHAIRPERSON MILLER: Okay, so I'm  
4 going to let the --

5 MR. JUNG: I also have one from  
6 the DCLA saying I had two violations from go  
7 cups, if you want to look at it.

8 CHAIRPERSON MILLER: Is that, I  
9 don't know what that is, is that an exhibit  
10 you want to put into evidence?

11 MR. JUNG: It's evidence from DCLA  
12 saying I had two previous go cup violations.

13 CHAIRPERSON MILLER: I don't think  
14 we need that, unless --

15 MR. JUNG: Okay.

16 CHAIRPERSON MILLER: -- that's  
17 something you want to--

18 (Off the record comments)

19 CHAIRPERSON MILLER: Okay. So  
20 would you like to question the witness? Let's  
21 take it one by one on the exhibits.

22 MS. ZANIEL: Yes, is he finished

1 with respect to the --

2 CHAIRPERSON MILLER: He's --

3 MS. ZANIEL: Is he finished with  
4 this testimony?

5 CHAIRPERSON MILLER: I believe so,  
6 you're finished with your testimony, right?

7 MR. JUNG: Yes, ma'am. Go ahead.

8 MS. ZANIEL: And these were --

9 CHAIRPERSON MILLER: Yes.

10 MS. ZANIEL: Mr. Jung, what sort  
11 of establishment do you have a license for?

12 MR. JUNG: It's for Class A liquor  
13 license and restaurant, and it was for  
14 together.

15 MS. ZANIEL: You have a restaurant  
16 license?

17 MR. JUNG: Business license, yes.

18 MS. ZANIEL: Do you have a  
19 restaurant license from ABRA?

20 MR. JUNG: No, ma'am.

21 MS. ZANIEL: Okay. So you have a  
22 liquor store license, right?



1 MR. JUNG: Yes, ma'am.

2 MS. ZANIEL: And isn't it a fact  
3 that the doors that are represented in picture  
4 Respondent's Number 1, are the windows that  
5 look into a carry-out restaurant that's --

6 MR. JUNG: But when we first got  
7 the license we got the --

8 MS. ZANIEL: Excuse me.

9 CHAIRPERSON MILLER: But you have  
10 to let her finish the question and then you  
11 can answer. What's the question?

12 MS. ZANIEL: Isn't it true, Mr.  
13 Jung, that the windows in the left of your  
14 Exhibit Respondent's 1, are the windows that  
15 are open to the restaurant carry-out next to  
16 your liquor store?

17 MR. JUNG: No, ma'am, it's the one  
18 establishment.

19 MS. ZANIEL: So do you sell liquor  
20 in that restaurant?

21 MR. JUNG: No, ma'am.

22 MS. ZANIEL: Do you have a license

1 to run a restaurant?

2 MR. JUNG: Yes we do.

3 MS. ZANIEL: Okay. What is your  
4 license from ABRA?

5 MR. JUNG: Class A liquor license.

6 MS. ZANIEL: Okay. So if we --

7 MR. JUNG: But you said door.

8 MS. ZANIEL: Do you have liquor in  
9 the restaurant?

10 MR. JUNG: No, ma'am.

11 MS. ZANIEL: Do people go into  
12 that restaurant and walk out with bottles of  
13 liquor that they purchased?

14 MR. JUNG: No, ma'am, but when we  
15 first got the license it was for the whole  
16 establishment.

17 MS. ZANIEL: What license are you  
18 referring to?

19 MR. JUNG: Class A liquor license.

20 MS. ZANIEL: Okay, Class A liquor  
21 license allows you to have a liquor store.

22 MR. JUNG: No, ma'am, you don't

1 understand. The whole place, we were licensed  
2 for the whole place, we just decide to not  
3 sell at that section.

4 MS. ZANIEL: Okay.

5 MR. JUNG: But we can use the  
6 front as --

7 MS. ZANIEL: And I'll ask you  
8 again, do you have customers that go into the  
9 restaurant portion and buy --

10 MR. JUNG: No, ma'am.

11 MS. ZANIEL: -- liquor?

12 MR. JUNG: No, ma'am.

13 MS. ZANIEL: Okay. Do you sell  
14 liquor in the restaurant portion?

15 MR. JUNG: No, ma'am.

16 MS. ZANIEL: Okay. With respect  
17 to Respondent's Exhibit 2, Mr. Jung, you were  
18 not cited for not having your license  
19 conspicuously displayed, did you know that?

20 MR. JUNG: No, ma'am.

21 MS. ZANIEL: Okay. Did you know  
22 that you are cited for not having lettering on

1 the door of your establishment, which  
2 identifies your license number and your class  
3 of license?

4 MR. JUNG: It was always -- it was  
5 there.

6 MS. ZANIEL: You had lettering on  
7 the door?

8 MR. JUNG: Lettering on the door?

9 MS. ZANIEL: On the door.

10 MR. JUNG: When we first opened  
11 ABC provided, ABC provided us a small sign and  
12 it was for two years, it was there for two  
13 years and it just fell down and that day. But  
14 it was not there, I guess, no.

15 MS. ZANIEL: So it happened to  
16 fall down the day the --

17 MR. JUNG: Yes, ma'am.

18 MS. ZANIEL: -- investigator came?

19 MR. JUNG: Yes, ma'am.

20 MS. ZANIEL: And then so there was  
21 no window lettering on the door --

22 MR. JUNG: But the small sticker -

1 -

2 MS. ZANIEL: -- when the  
3 investigator --

4 MR. JUNG: -- small sticker ABC  
5 gave us.

6 MS. ZANIEL: Can I just ask --

7 MR. JUNG: Okay, I'm sorry.

8 MS. ZANIEL: -- ask the question,  
9 please.

10 MR. JUNG: I'm sorry.

11 MS. ZANIEL: You indicated that  
12 the sign that the ABRA, that when you had  
13 gotten the license what was given to you had  
14 been posted but had fallen down, is that  
15 accurate?

16 MR. JUNG: It was not properly  
17 posted.

18 MS. ZANIEL: Okay. So it wasn't  
19 on the door when Investigator Brooks arrived?

20 MR. JUNG: Yes.

21 MS. ZANIEL: Okay. You paid a  
22 citation once for a go cup violation --

1 MR. JUNG: Yes, ma'am.

2 MS. ZANIEL: -- am I right?

3 MR. JUNG: Yes, ma'am.

4 MS. ZANIEL: Okay. Now with  
5 respect to the sales of liquor at your liquor  
6 store.

7 MR. JUNG: Yes, ma'am.

8 MS. ZANIEL: What do you do to  
9 keep record of what the sales are, is that  
10 what you keep at home?

11 MR. JUNG: Yes, ma'am. I write  
12 down --

13 MS. ZANIEL: Can I see the  
14 information?

15 MR. JUNG: Okay.

16 MS. ZANIEL: I'm sorry.

17 MR. JUNG: I write down all the  
18 sales at the end and then I keep all the  
19 invoices. I add all the invoices and see how  
20 much I bought and how much I sold.

21 MS. ZANIEL: And where you write  
22 down what the sales are, did you show that to

1 the Investigator Brooks?

2 MR. JUNG: No, ma'am.

3 MS. ZANIEL: And why not?

4 MR. JUNG: Because it was kept at  
5 home.

6 MS. ZANIEL: Okay. I have no  
7 other questions of the witness.

8 CHAIRPERSON MILLER: Okay. Do we  
9 have some Board questions? Mr. Brooks.

10 MEMBER BROOKS: Yes, Mr. Jung.

11 MR. JUNG: Yes, sir.

12 MEMBER BROOKS: Is there a door to  
13 the carry-out?

14 MR. JUNG: No, sir. I mean, just  
15 the front.

16 MEMBER BROOKS: The front door?

17 MR. JUNG: Yes, sir.

18 MEMBER BROOKS: Okay. And if you  
19 go to the liquor store can you go to the  
20 carry-out --

21 MR. JUNG: No, sir.

22 MEMBER BROOKS: -- from the liquor

1 store?

2 MR. JUNG: No, sir.

3 MEMBER BROOKS: Okay, so they're  
4 two separate entrances?

5 MR. JUNG: Two separate entrances,  
6 yes, sir.

7 MEMBER BROOKS: Okay. And do you  
8 have a Department of Health --

9 MR. JUNG: Yes, sir.

10 MEMBER BROOKS: -- license for a  
11 carry-out?

12 MR. JUNG: Yes, sir.

13 MEMBER BROOKS: And how long have  
14 you been in this location?

15 MR. JUNG: For two years.

16 MEMBER BROOKS: Two years?

17 MR. JUNG: Oh, three years, carry-  
18 out for three years, liquor store for two  
19 years.

20 MEMBER BROOKS: Okay, so at first  
21 you have a carry-out?

22 MR. JUNG: Yes, sir. And then I



1 got a license for a liquor --

2 MEMBER BROOKS: An ABC license  
3 later?

4 MR. JUNG: Yes, sir.

5 MEMBER BROOKS: Okay. Thank you,  
6 Madame Chair.

7 CHAIRPERSON MILLER: Okay.  
8 Others? Yes, Mr. Alberti's going.

9 (Off the record comments)

10 CHAIRPERSON MILLER: No, go ahead.  
11 That's okay.

12 MEMBER ALBERTI: Okay.

13 MR. JUNG: Yes, sir.

14 MEMBER ALBERTI: Okay, Mr. Jung.

15 MR. JUNG: Yes, sir.

16 MEMBER ALBERTI: Okay, you have a  
17 Department of Health License for your carry-  
18 out, is that correct?

19 MR. JUNG: Yes, sir.

20 MEMBER ALBERTI: Are you licensed  
21 to sell carry-out from that portion where you  
22 sell liquor?

1 MR. JUNG: No, sir.

2 MEMBER ALBERTI: No?

3 MR. JUNG: I don't have anything  
4 displayed on carry-out side.

5 MEMBER ALBERTI: That's not my  
6 question. If you chose to sell carry-out from  
7 the liquor store portion --

8 MR. JUNG: Do I -- I don't  
9 understand the question.

10 MEMBER ALBERTI: Then Department  
11 of Health, would that be licensed by the  
12 Department of Health?

13 MR. JUNG: Yes.

14 MEMBER ALBERTI: It would?

15 MR. JUNG: Yes.

16 MEMBER ALBERTI: Because the whole  
17 thing is licensed as a carry-out?

18 MR. JUNG: Whole thing was  
19 licensed as a carry-out before we got the  
20 license from ABC.

21 MEMBER ALBERTI: The whole thing  
22 was?

1 MR. JUNG: Yes.

2 MEMBER ALBERTI: Okay. Are these  
3 two separate addresses here?

4 MR. JUNG: Yes, we got the  
5 separate address after we got ABC license,  
6 yes.

7 MEMBER ALBERTI: Okay, so you have  
8 two addresses here?

9 MR. JUNG: Yes.

10 MEMBER ALBERTI: What are the two  
11 addresses?

12 MR. JUNG: Yes.

13 MEMBER ALBERTI: What are they?

14 MR. JUNG: Because of the joining  
15 issue --

16 MEMBER ALBERTI: What are they?

17 MR. JUNG: Are 1102, 1100.

18 MEMBER ALBERTI: 1102 and?

19 MR. JUNG: 1100.

20 MEMBER ALBERTI: 1100?

21 MR. JUNG: Yes, sir.

22 MEMBER ALBERTI: Which one's 1102?

1                   MR. JUNG: 1102 is the liquor  
2 store side.

3                   MEMBER ALBERTI: Okay. Now you're  
4 saying that at one time both of these  
5 addresses were a carry-out, is that what  
6 you're --

7                   MR. JUNG: Yes, 1100, yes.

8                   MEMBER ALBERTI: Both addresses  
9 were a carry-out?

10                  MR. JUNG: Yes, sir.

11                  MEMBER ALBERTI: And then, how did  
12 you divide them?

13                  MR. JUNG: How do I divide them?

14                  MEMBER ALBERTI: Did you, did  
15 someone build a wall, what happened?

16                  MR. JUNG: Yes, we put two  
17 establishment, liquor store one side and  
18 carry-out on one side.

19                  MEMBER ALBERTI: That's not what  
20 I'm asking you. Physically, when --

21                  MR. JUNG: Physically --

22                  MEMBER ALBERTI: Okay, back when

1     it was a carry-out, could you walk from one  
2     address to the other?

3             MR. JUNG:   Yes, sir.

4             MEMBER ALBERTI:   Okay.   So then at  
5     some point you built a wall?

6             MR. JUNG:   A door.   One door  
7     inside.   You can go inside, from carry-out to  
8     liquor store, yes.

9             MEMBER ALBERTI:   There's a  
10    connecting door?

11            MR. JUNG:   Inside, yes.

12            MEMBER ALBERTI:   All right.

13            MR. JUNG:   Not from that outside.

14            MEMBER ALBERTI:   So there's a wall  
15    there between the two of them?

16            MR. JUNG:   Yes.

17            MEMBER ALBERTI:   How long has that  
18    wall been there, was it there before you got  
19    your liquor license, or after?

20            MR. JUNG:   After.

21            MEMBER ALBERTI:   After?   You built  
22    a wall after you got your liquor license?

1 MR. JUNG: Yes.

2 MEMBER ALBERTI: Okay. In terms  
3 of, you said, that you write down what you  
4 sold at the end.

5 MR. JUNG: Yes, sir. Yes, sir.

6 MEMBER ALBERTI: That's what you  
7 said?

8 MR. JUNG: Yes, sir.

9 MEMBER ALBERTI: I'm quoting you.  
10 What did you mean by, at the end, at the end  
11 of what?

12 MR. JUNG: When I collect all the  
13 cash and cash register and credit card  
14 receipts.

15 MEMBER ALBERTI: But at the end of  
16 the hour, at the end of the day --

17 MR. JUNG: End of the day.

18 MEMBER ALBERTI: -- at the end of  
19 the minute, when?

20 MR. JUNG: End of the day.

21 MEMBER ALBERTI: End of the day?

22 MR. JUNG: Yes, sir.

1                   MEMBER ALBERTI:   Okay.   How long  
2                   is a day for you?

3                   MR. JUNG:   We finish at 12 o'clock  
4                   at night and Monday through Friday, Thursday,  
5                   11 o'clock at night.

6                   MEMBER ALBERTI:   Okay, and when do  
7                   you open?

8                   MR. JUNG:   We open 8:30 a.m. and 9  
9                   o'clock, 8:30 a.m. or 9 o'clock.

10                  MEMBER ALBERTI:   Okay, so you open  
11                  about 8:30 a.m., 9 o'clock in the morning.

12                  MR. JUNG:   Yes.

13                  MEMBER ALBERTI:   And you close 11  
14                  o'clock, or 12:00 p.m. --

15                  MR. JUNG:   Yes.

16                  MEMBER ALBERTI:   -- depending on  
17                  the day?

18                  MR. JUNG:   Yes.

19                  MEMBER ALBERTI:   Okay.   And you  
20                  write down all the sales for that day --

21                  MR. JUNG:   Yes, sir.

22                  MEMBER ALBERTI:   -- at the end of

1 the day?

2 MR. JUNG: Yes, it doesn't take  
3 that long.

4 MEMBER ALBERTI: How many sales do  
5 you think you have during a day?

6 MR. JUNG: How many sales?

7 MEMBER ALBERTI: Yes.

8 MR. JUNG: I didn't count how many  
9 sales.

10 MEMBER ALBERTI: In an average  
11 day, like on a Friday, on a Friday, how many  
12 sales do you think you make during the course  
13 of a day?

14 MR. JUNG: The customers, maybe,  
15 200, 300 customers.

16 MEMBER ALBERTI: Two hundred, 300  
17 hundred?

18 MR. JUNG: Yes, sir.

19 MEMBER ALBERTI: Okay.

20 MR. JUNG: Including lottery  
21 customers.

22 MEMBER ALBERTI: No, no, no, no,



1       no, liquor sales.

2                   MR. JUNG:  Liquor sales, maybe,  
3       150 to, 150 to 200.

4                   MEMBER ALBERTI:  Hundred and fifty  
5       to 200?

6                   MR. JUNG:  Yes, sir.

7                   MEMBER ALBERTI:  All right.  Okay.  
8       Who else works there besides you?

9                   MR. JUNG:  My mom and one other  
10      employee.

11                   MEMBER ALBERTI:  Okay.  So you  
12      don't see all the sales then, do you?

13                   MR. JUNG:  Well, my mom -- do I  
14      see all the sales?

15                   MEMBER ALBERTI:  Right.

16                   MR. JUNG:  I go to market to buy  
17      some stuff and come back and I go out --

18                   MEMBER ALBERTI:  Okay.

19                   MR. JUNG:  -- go out to buy  
20      something and then come back.

21                   MEMBER ALBERTI:  So you're gone  
22      for part of the day?

1 MR. JUNG: No, not every day.

2 MEMBER ALBERTI: Not every day,  
3 but some days you're gone for part of the  
4 days.

5 MR. JUNG: Yes, sir.

6 MEMBER ALBERTI: You said your  
7 mom's doing the sales.

8 MR. JUNG: Yes, sir.

9 MEMBER ALBERTI: I mean, does she  
10 handle the sales sometimes?

11 MR. JUNG: Yes, sir.

12 MEMBER ALBERTI: And your other  
13 employer, do they handle the sales sometimes?

14 MR. JUNG: Yes, sir.

15 MEMBER ALBERTI: So how do you  
16 learn what the sales were, if you weren't part  
17 of the transactions?

18 MR. JUNG: Because we collect the  
19 cash and the credit cards receipts.

20 MEMBER ALBERTI: Okay, you got the  
21 credit card receipts, right, what about the  
22 cash?

1                   MR. JUNG: And then collect the  
2 cash, as a cash, that's the total sales.

3                   MEMBER ALBERTI: So at the end of  
4 the day you know what the total cash you took  
5 in?

6                   MR. JUNG: Yes, and then total  
7 cash register, credit card we took in.

8                   MEMBER ALBERTI: The total credit  
9 card receipts?

10                  MR. JUNG: Yes, sir. And then we  
11 know what we bought --

12                  MEMBER ALBERTI: How do you know  
13 how much is that cash for lottery tickets and  
14 how much --

15                  MR. JUNG: Lottery separate. We  
16 have lottery separate, we do separate for  
17 lottery.

18                  MEMBER ALBERTI: But you have no  
19 proof as to how much cash you should have  
20 brought in for each day, right?

21                  MR. JUNG: Do I have, what kind of  
22 proof?

1                   MEMBER ALBERTI: Yes, do you have  
2 any proof, you know, the tax? Somebody comes  
3 in from the Tax Department and says, can you  
4 prove that you --

5                   MR. JUNG: No, because I know --

6                   MEMBER ALBERTI: -- \*\*\*2:49:24  
7 \$100 today in sales.

8                   MR. JUNG: -- how much tax because  
9 I know how much I bought.

10                  MEMBER ALBERTI: I don't care.  
11 Somebody from the Tax Department says, what  
12 were your sales for today, can you prove to  
13 them what your sales were?

14                  MR. JUNG: Yes, I can show him my  
15 books that how much I sold.

16                  MEMBER ALBERTI: Why didn't you  
17 show those to Mr. Brooks?

18                  MR. JUNG: It's at home. It's  
19 private stuff, nobody can, you know.

20                  MEMBER ALBERTI: But you only have  
21 the total for the day.

22                  MR. JUNG: No, I take --

1 (Crosstalk)

2 MEMBER ALBERTI: -- you don't have  
3 any receipts to back that up, is that correct?

4 MR. JUNG: I take the cash  
5 register, I mean, that's, I finish my books,  
6 I mean, I take everything to the house and I  
7 add it and then that's the book.

8 MEMBER ALBERTI: Add what? Add  
9 what?

10 MR. JUNG: That's the total sales  
11 for day.

12 MEMBER ALBERTI: What do you add  
13 up?

14 MR. JUNG: The cash and the credit  
15 card sales.

16 MEMBER ALBERTI: But it's whatever  
17 the cash is that you count, right?

18 MR. JUNG: The cash I have, yes.

19 MEMBER ALBERTI: Yes, okay. Okay.  
20 Thank you. No further questions.

21 MR. JUNG: Thank you.

22 CHAIRPERSON MILLER: No, no, no,

1       that's thank you for him.

2               MR. JUNG:   I'm sorry.

3               CHAIRPERSON MILLER:   Are there  
4       other Board questions?   Yes, Mr. Short.

5               MR. JUNG:   Hi.

6               MEMBER SHORT:   Good afternoon, all  
7       you.   The question I want to ask is, do you  
8       pay District taxes?

9               MR. JUNG:   Yes, I pay a lot, yes.

10              MEMBER SHORT:   Based on what?

11              MR. JUNG:   Based on total sales  
12      that I write down.

13              MEMBER SHORT:   So each individual  
14      sale has a different tax, correct?

15              MR. JUNG:   Yes, cigarette, I don't  
16      pay any taxes, DC ten percent, grocery, I  
17      mean, liquor, ten percent.   I can bring all  
18      the, I have all the sales tax record with me.

19              CHAIRPERSON MILLER:   Wait, wait a  
20      second, don't move yet.   You brought records  
21      with you?   We can get to that.

22              MR. JUNG:   Yes.

1                   CHAIRPERSON MILLER: But wait.

2                   Wait. Wait, wait, Mr. Short was asking you  
3                   some questions.

4                   MEMBER SHORT: Yes, please, let me  
5                   finish.

6                   MR. JUNG: Yes, I can show you  
7                   things.

8                   MEMBER SHORT: No, let me finish  
9                   please.

10                  CHAIRPERSON MILLER: Yes.

11                  MEMBER SHORT: The reason why I'm  
12                  asking you the questions about liquor and  
13                  taxes.

14                  MR. JUNG: Yes.

15                  MEMBER SHORT: Separate from your  
16                  cigarette taxes.

17                  MR. JUNG: Yes.

18                  MEMBER SHORT: Separate from your  
19                  food taxes.

20                  MR. JUNG: Yes, sir, I know.

21                  MEMBER SHORT: How much of your  
22                  business is liquor taxes?

1                   MR. JUNG: I have the record, can  
2 I bring it?

3                   MEMBER SHORT: No, no, no, I'm  
4 asking you how do you know, individually, if  
5 you're not doing it after every sale, how do  
6 you know, individually, at the end of the  
7 night, which is taxes and which is for liquor  
8 and which is on where?

9                   MR. JUNG: All the month I know  
10 how much I bought and I know how much that's  
11 left on liquors.

12                  MEMBER SHORT: Sir, that's the  
13 reason why --

14                  MR. JUNG: That's the --

15                  MEMBER SHORT: I think that's the  
16 reason why you got fined, but we'll find out  
17 what the job was. Thank you for all that.

18                  CHAIRPERSON MILLER: Okay.

19                  MR. JUNG: Thank you.

20                  CHAIRPERSON MILLER: Okay. Mr.  
21 Rodriguez.

22                  MEMBER RODRIGUEZ: Mr. Jung, good



1 day, how are you, sir?

2 MR. JUNG: Hi, how are you , sir?

3 MEMBER RODRIGUEZ: I'm looking at  
4 the exhibit that you presented.

5 MR. JUNG: Yes, sir.

6 MEMBER RODRIGUEZ: And --

7 CHAIRPERSON MILLER: Which is it,  
8 Respondent's Exhibit Number 1.

9 MEMBER RODRIGUEZ: Number 1?

10 CHAIRPERSON MILLER: Yes.

11 MR. JUNG: Yes, sir, that's the  
12 front --

13 MEMBER RODRIGUEZ: As I look at  
14 this picture, all I see here that attracts my  
15 attention is the long sign in yellow that says  
16 liquor.

17 MR. JUNG: Yes, sir. Uncle Lee,  
18 Uncle Lee's Liquor.

19 MEMBER RODRIGUEZ: It's hard for  
20 me to see the carry-out sign, the restaurant  
21 sign.

22 MR. JUNG: Yes.

1                   MEMBER RODRIGUEZ: What stands out  
2                   to me from, if I'm standing 100 feet, 200  
3                   feet, all I see is liquor, I don't see any  
4                   food sign until maybe I get right on top of  
5                   your establishment.

6                   MR. JUNG: Yes, sir.

7                   (Off the record comments)

8                   MEMBER RODRIGUEZ: So if I'm  
9                   driving by I see liquor, but I don't see your  
10                  delicatessen, or your restaurant sign.

11                  MR. JUNG: Yes, all the  
12                  neighborhood know as a carry-out restaurant.

13                  MEMBER RODRIGUEZ: All the  
14                  neighborhood knows that. And speaking about  
15                  the neighborhood then, what is your  
16                  relationship with your customers, what type of  
17                  customers are you getting there?

18                  MR. JUNG: I have lottery  
19                  customers, they regular customers. I have  
20                  regular customers on cheap beers. And we  
21                  sale, you know, reasonable vodka and bourbon,  
22                  nothing on high end. And some customer only

1       buy chips and it's just a small business.

2                   MEMBER RODRIGUEZ:   You indicated  
3       earlier that, not under testimony, but you  
4       mentioned -- or let me just ask you this, you  
5       indicate that you cooperate with neighborhood  
6       organizations?

7                   MR. JUNG:   Yes.   Yes, sir.

8                   MEMBER RODRIGUEZ:   Can you give me  
9       a couple of names of those neighborhood  
10      organizations?

11                  MR. JUNG:   Doctor, what's the --  
12      personally, I have a recommendation letter  
13      from Ms. Chairman Yvette Alexander.   And I  
14      make regular donations to Take Charge Program  
15      --

16                  MEMBER SILVERSTEIN:   Madame Chair.

17                  MR. JUNG:   -- every three months.

18                  MEMBER SILVERSTEIN:   Madame Chair,  
19      I'd like to stop this right now.   We can't ask  
20      him what contributions he makes to local  
21      organizations --

22                  MR. JUNG:   And I have --

1 CHAIRPERSON MILLER: Okay, wait,  
2 no --

3 MEMBER SILVERSTEIN: -- as to  
4 whether he's guilty, or not, of an infraction.

5 MEMBER RODRIGUEZ: Certainly.

6 MEMBER SILVERSTEIN: I think we  
7 would be getting into trouble if we do that.

8 CHAIRPERSON MILLER: Yes, sir.

9 MEMBER RODRIGUEZ: I only asked  
10 what relationship he has with what  
11 organizations, I didn't ask him what  
12 donations.

13 MR. JUNG: Okay.

14 CHAIRPERSON MILLER: Wait.

15 MR. JUNG: I have a great  
16 relationship with --

17 CHAIRPERSON MILLER: Wait a  
18 second, we still have to finish this. I think  
19 that Mr. Silverstein thought the subject of  
20 this hearing are these violations, so --

21 MEMBER RODRIGUEZ: Right.

22 CHAIRPERSON MILLER: Is it related

1 to the violation?

2 MEMBER RODRIGUEZ: All right.

3 CHAIRPERSON MILLER: Okay?

4 MEMBER RODRIGUEZ: Okay, that's  
5 all the questions I have right now.

6 MR. JUNG: Okay.

7 CHAIRPERSON MILLER: Okay. Okay.  
8 I just have a couple of quick questions.

9 MR. JUNG: Sure.

10 CHAIRPERSON MILLER: One is, have  
11 you ever had training at ABRA, with respect to  
12 operating a liquor store?

13 MR. JUNG: My mother did, I did  
14 not.

15 CHAIRPERSON MILLER: Okay.  
16 Because you asked earlier, you know, were  
17 certain practices sufficient, or not, and one  
18 of the practices is, you know, keeping of  
19 records, and that's in our regulations.

20 MR. JUNG: Okay. All right.

21 CHAIRPERSON MILLER: Specific  
22 rules and it's under 23 DCMR 1204 and I -- let

1 me ask you, it sounds like you, are you just  
2 keeping records based on your own idea of what  
3 would reflect sales, or have you actually  
4 looked at the regulations ever?

5 MR. JUNG: From our view, actual  
6 counting the cash and the credit card is the  
7 book itself for us, small business people.

8 CHAIRPERSON MILLER: You've  
9 conferred with business people?

10 MR. JUNG: Yes, I mean, small,  
11 like Korean, or, you know, everybody, counting  
12 cash and credit receipt is the books for us.  
13 And inventory sheets and what we bought and  
14 what we paid and what we have left of, that's  
15 the actual books for us.

16 CHAIRPERSON MILLER: Okay, but I  
17 would suggest that you look at --

18 MR. JUNG: Okay, sure.

19 CHAIRPERSON MILLER: -- our  
20 regulations and that you do --

21 MR. JUNG: Okay, fine, that's --

22 CHAIRPERSON MILLER: -- training

1       so that you don't find yourself in a position  
2       where you --

3                   MR. JUNG:   That's fine.

4                   CHAIRPERSON MILLER:   Okay.   You  
5       think you're doing it right, but it doesn't  
6       sound like you are.

7                   MR. JUNG:   The reason I'm here is  
8       to just present my case that I'm not a second  
9       offender.

10                  CHAIRPERSON MILLER:   Right.   Okay,  
11       well we have your record.   And let me just ask  
12       you a question about that.   I understand what  
13       you're saying, was you did go cups, but that's  
14       a different offense than having the signage  
15       up.

16                  But Mr. Brooks came back a second  
17       time, I guess, two days later, he testified,  
18       and I think he said that, you know, the  
19       pregnancy sign was up and the lettering was  
20       up, but you hadn't made a change in your  
21       display of the advertising.

22                  MR. JUNG:   I didn't believe that

1 advertising was in violation.

2 CHAIRPERSON MILLER: You didn't  
3 understand?

4 MR. JUNG: The other inspectors  
5 came in and said the 25 percent, we met the 25  
6 percent.

7 CHAIRPERSON MILLER: The other  
8 inspector came in after or before Mr. Brooks?

9 MR. JUNG: Way before.

10 CHAIRPERSON MILLER: Before Mr.  
11 Brooks?

12 MR. JUNG: Yes.

13 CHAIRPERSON MILLER: Do you  
14 remember who that was?

15 MR. JUNG: No, they just took  
16 pictures.

17 CHAIRPERSON MILLER: Okay. Then I  
18 just want to ask you, did you take the  
19 pictures that you proffered?

20 MR. JUNG: Yes.

21 CHAIRPERSON MILLER: Okay.  
22 Respondent's Exhibit Number 1, the color



1 picture, when did you take that?

2 MR. JUNG: This was when we  
3 started the liquor business and that was in,  
4 about a year-and-a-half ago.

5 CHAIRPERSON MILLER: A year-and-a-  
6 half ago, okay. And the picture, the black  
7 and white pictures, Respondent's Exhibit  
8 Number 2, did you take this picture?

9 MR. JUNG: Yes.

10 CHAIRPERSON MILLER: And when did  
11 you take it?

12 MR. JUNG: Yesterday.

13 CHAIRPERSON MILLER: Yesterday,  
14 okay. And finally, the third proffered  
15 Exhibit Number, Respondent's Exhibit Number 3.

16 MR. JUNG: Yes, this was taken  
17 yesterday, was it --

18 CHAIRPERSON MILLER: Yesterday?

19 MR. JUNG: Well I just put it here  
20 to show you where it was. It's now showing  
21 the outside.

22 CHAIRPERSON MILLER: Okay.

1 MR. JUNG: Okay.

2 CHAIRPERSON MILLER: All right  
3 now, Ms. Zaniel, do you have objections to  
4 these?

5 MS. ZANIEL: I have a objection to  
6 Respondent's Number 2, because it's just not  
7 relevant to any of the charges. He wasn't  
8 charged with failure to post his license  
9 conspicuously.

10 CHAIRPERSON MILLER: Okay. Do you  
11 understand that?

12 MR. JUNG: Yes, ma'am.

13 CHAIRPERSON MILLER: Okay. So I  
14 think that would only confuse the record and  
15 make --

16 MR. JUNG: Okay, no problem.

17 CHAIRPERSON MILLER: -- us look at  
18 something that's not --

19 MR. JUNG: Okay.

20 CHAIRPERSON MILLER: -- at issue.  
21 All right.

22 MR. JUNG: Okay.

1 CHAIRPERSON MILLER: So in which  
2 case I'm going to admit Respondent's Exhibit  
3 Number 1 and 3, yes. Okay, are there any  
4 other Board questions? Mr. Silverstein.

5 MEMBER SILVERSTEIN: Mr. Jung --

6 MR. JUNG: Yes.

7 MEMBER SILVERSTEIN: -- we had a  
8 protest hearing a number of years ago  
9 involving --

10 MR. JUNG: Yes.

11 MEMBER SILVERSTEIN: -- your  
12 establishment, and were you the one who  
13 testified at that?

14 MR. JUNG: No, I did not testify.

15 MEMBER SILVERSTEIN: Were you  
16 there?

17 MR. JUNG: My brother testified  
18 and -- no, I did not testify.

19 MEMBER SILVERSTEIN: Did you at  
20 that time say that this was going to be a  
21 separate business from, that the liquor  
22 business would be a separate business would be

1 a separate business from the carry-out and  
2 that couldn't buy from the one and then buy  
3 from another at the same time that you'd have  
4 to go outside?

5 MR. JUNG: Yes, it is separate  
6 business, yes.

7 MEMBER SILVERSTEIN: Pardon?

8 MR. JUNG: It is separate  
9 business, yes.

10 MEMBER SILVERSTEIN: It is a  
11 separate business?

12 MR. JUNG: Yes, we serve food on  
13 this other side and we serve liquor on the  
14 other side.

15 MEMBER SILVERSTEIN: And they both  
16 have separate licenses?

17 MR. JUNG: Yes.

18 MEMBER SILVERSTEIN: So then the  
19 fact that you have no liquor advertising on  
20 the seafood side, on the carry-out side,  
21 doesn't really amount to much evidence here.

22 MR. JUNG: But when we first got

1 the license whole establishment was licensed  
2 as a liquor store, I just wanted to point out.

3 MEMBER SILVERSTEIN: Okay.

4 MR. JUNG: But we said only food  
5 on the other side and liquor on the side, but  
6 it was licensed, the whole establishment was  
7 licensed as a liquor store, yes.

8 MEMBER SILVERSTEIN: That's not  
9 what you just told me.

10 MR. JUNG: I can't hear -- I can  
11 use --

12 MEMBER SILVERSTEIN: I'm sorry,  
13 but I don't quite understand.

14 (Crosstalk)

15 MR. JUNG: I can use those two  
16 columns as a advertisement, yes, I can. It's  
17 my establishment and I was licensed.

18 MEMBER SILVERSTEIN: No, I thought  
19 that you just said they were your  
20 establishments, plural, the two  
21 establishments, the seafood carry-out --

22 MR. JUNG: That's what --

1 (Crosstalk)

2 MEMBER SILVERSTEIN: -- on one  
3 side --

4 MR. JUNG: -- the other --

5 MEMBER SILVERSTEIN: -- and liquor  
6 on the other and you couldn't buy liquor in --

7 MR. JUNG: Advertising --

8 MEMBER SILVERSTEIN: -- the  
9 seafood place, or seafood in the liquor place?

10 MR. JUNG: Advertising is separate  
11 issue. I can do, I can put signs on here say  
12 fish, you know, \$4.99 for fish sandwich. I  
13 can put, you know, some beer up on here.

14 MEMBER SILVERSTEIN: Well you're  
15 welcome to do what you can, there's an old  
16 saying, I'll be the judge of that.

17 MR. JUNG: Okay.

18 MEMBER SILVERSTEIN: Thank you,  
19 sir.

20 CHAIRPERSON MILLER: So there's a  
21 follow-up though, do those two establishments,  
22 and a follow-up, I guess, to what Mr. Alberti

1 was asking, does each of those establishments  
2 have a separate address?

3 MR. JUNG: Yes, we've got the  
4 separate license, yes, address, yes.

5 CHAIRPERSON MILLER: Separate  
6 address, okay. And your license, does it have  
7 an address on it?

8 MR. JUNG: 1102, yes. Liquor  
9 license, 1102.

10 CHAIRPERSON MILLER: Okay.

11 MEMBER ALBERTI: Are you --

12 CHAIRPERSON MILLER: Go ahead, I'm  
13 finished, go ahead.

14 MEMBER ALBERTI: The application I  
15 saw on file said 1100. But we can check our  
16 records.

17 CHAIRPERSON MILLER: No, it says  
18 1102 here.

19 MEMBER ALBERTI: All right.

20 CHAIRPERSON MILLER: Okay.

21 MR. JUNG: Okay.

22 CHAIRPERSON MILLER: Other Board

1 questions? Are there any questions based on  
2 Board questions?

3 MS. ZANIEL: No. Thank you.

4 CHAIRPERSON MILLER: Okay. Mr.  
5 Jung, did you want to enter any other  
6 evidence?

7 MR. JUNG: No, ma'am.

8 CHAIRPERSON MILLER: Not the  
9 documents, or something you referred to?

10 MR. JUNG: No, ma'am.

11 CHAIRPERSON MILLER: No?

12 MR. JUNG: All I'm here is that, I  
13 just wanted to say that, you know, I'm not a  
14 repeated, you know, violator. I just want to  
15 talk to you guys, I talk to them but they  
16 didn't say -- on the paper I'm a repeated  
17 violator, but I'm not a repeated violator and  
18 I can correct everything you told me to and I  
19 can abide by the law, whatever you told me to  
20 do.

21 CHAIRPERSON MILLER: Okay.

22 MR. JUNG: Okay, that's all right.



1                   CHAIRPERSON MILLER:   Okay, thank  
2                   you very much, sir.   So you can have a seat  
3                   over there.   So does that complete your case,  
4                   Mr. Jung, everything?

5                   MR. JUNG:   Yes, ma'am.   Yes.

6                   CHAIRPERSON MILLER:   You don't  
7                   want to put anything else into evidence?

8                   MR. JUNG:   No, ma'am.

9                   CHAIRPERSON MILLER:   Okay.   Then  
10                  time for a closing argument.

11                  MS. ZANIEL:   Yes.   Members of the  
12                  Board, the evidence presented today is very  
13                  clear, including the illumination from Mr.  
14                  Jung.

15                  He presented a picture,  
16                  Respondent's Number 1, wherein he thinks that  
17                  there's an establishment next him that he  
18                  happens to own, which has windows, that that  
19                  allows him some extra space, with respect to  
20                  the amount of advertising he can do on the  
21                  liquor store.

22                  But the evidence is clear.   The

1     liquor store has a license, a Class A for the  
2     liquor store. It has its own separate  
3     address, 1102.

4                     And the windows, as they presented  
5     on the day when the investigator went, it's  
6     abundantly clear, just from looking at them,  
7     and we appreciate Mr. Alberti's follow-up with  
8     respect to how did he deem them 25 percent,  
9     but it's clear by looking at the pictures that  
10    they take up more than 25 percent of the  
11    window space.

12                    And given additionally the  
13    investigator's analysis, we believe that the  
14    preponderance of the evidence clearly shows  
15    that more than 25 percent of the  
16    establishment's windows were occupied with  
17    advertising. So Charge Number 1 is made out.

18                    With respect to Charge Number 2,  
19    Mr. Jung doesn't deny it. He said the window  
20    lettering on the door had fallen down, so it  
21    wasn't there.

22                    That charge is made out, given the

1 investigator testified that he did not observe  
2 the window lettering there. And in fact, gave  
3 him a temporary signage, which was the signage  
4 that appeared there again two days later.

5 With respect to the pregnancy  
6 sign, the investigator's evidence was clear  
7 that he did not see the pregnancy sign during  
8 his inspection of the place, when he went out  
9 to inspect, based on the complaint regarding  
10 the advertising.

11 And indeed, Mr. Jung did put up  
12 the pregnancy sign given to him and there  
13 wasn't one there at the time of the inspection  
14 and violation occurred.

15 Charge 4. He failed to maintain  
16 sales receipts in the establishment. Again,  
17 this charge was clearly made out, with respect  
18 to the testimony of the investigator, who said  
19 Mr. Jung showed him no information to account  
20 for what the sales were.

21 And the regulation that it  
22 violates clearly says, the retailer shall keep

1 and maintain upon the licensed premises,  
2 records which include invoices and delivery  
3 slips in which adequately and fully reflect  
4 all purchases, sales, and deliveries.

5 And so we're obviously focused on  
6 the sales. The investigator said there were  
7 invoices there, Mr. Jung's testimony is in  
8 accordance with that.

9 Mr. Jung seems to have an unusual  
10 way of keeping track of his sales. The  
11 Government doesn't submit whether it would be  
12 satisfactory or not, but the Government  
13 submits that the evidence shows there was none  
14 of that information on the premises and it's  
15 on the premises where that information must be  
16 maintained.

17 Therefore, the Government's  
18 charges are made out by a preponderance of the  
19 evidence and substantial evidence on the  
20 record.

21 With respect to what's a proper  
22 sanction, I think the Chairperson certainly

1       has it correct that Mr. Jung needs to have  
2       training, ought to have training, and it ought  
3       to be a part of the sanction that he be  
4       ordered to have training.

5               Because this Board wants licensees  
6       to be able to run their businesses, but they  
7       want them to be able to run their businesses  
8       in accordances with the laws and regulations  
9       governing that business.

10              With respect to the fine, I  
11       believe Mr. Jung, in his lay opinion just has  
12       it wrong, with respect to what's a second  
13       violation.

14              The Government contends that the  
15       interpretation of that statute is it's a  
16       second secondary violation of any sort and  
17       there are numerous secondary violations.

18              The fact that it was go cup in the  
19       first instance doesn't mean it has to be go  
20       cup in the second instance.   And again, this  
21       is something probably Mr. Jung can benefit  
22       from training.

1                   Therefore, the Government  
2       recommends a sanction of \$2,400. And we would  
3       suggest, certainly, the pregnancy sign  
4       violation by statute must be fined at the \$100  
5       level and we would ask that that be imposed.

6                   With respect to Charge Number 1,  
7       we would ask for a fine of \$650. With respect  
8       to Charge Number 2, another \$650 fine. And  
9       with respect to Charge Number 4, a \$1,000  
10      fine, given the number of secondaries within  
11      the time frame, would allow this Board to  
12      consider it a primary offense and should  
13      therefore be fined at \$1,000, which is the  
14      lower range for a primary offense.

15                  We believe that appropriately  
16      sanctions the licensee and is in accordance  
17      with the laws of the District of Columbia,  
18      we'd ask that you so impose it.

19                  CHAIRPERSON MILLER: Okay. Mr.  
20      Jung, do you have any closing remarks?

21                  MR. JUNG: I guess, I don't know  
22      the laws, so I don't know the regulations,

1       therefore I need training and I'll ask for  
2       training and I'll get the training and  
3       whatever you tell me to pay I pay. Thank you.

4                   CHAIRPERSON MILLER: Okay. Thank  
5       you. All right, then I'm going to close the  
6       record now, and just ask the parties if they  
7       want to file proposed findings of facts and  
8       conclusions of law, or waive your right to do  
9       so? Ms. Zaniel?

10                  MS. ZANIEL: The Government  
11       doesn't wish to present findings of fact.

12                  CHAIRPERSON MILLER: Okay. Did  
13       you understand the question, Mr. Jung?

14                  MR. JUNG: No.

15                  CHAIRPERSON MILLER: The question  
16       is whether you want to file something in  
17       writing to, almost like a legal brief for the  
18       Board to review, setting forth what you think  
19       the finding of facts should be and conclusions  
20       of law.

21                  MR. JUNG: No, I -- no.

22                  CHAIRPERSON MILLER: No?

1 MR. JUNG: I --

2 CHAIRPERSON MILLER: No, most  
3 people don't do it.

4 MR. JUNG: I just wanted to, you  
5 know, come and say what I wanted to say,  
6 that's it.

7 CHAIRPERSON MILLER: Okay. And we  
8 heard what you had to say. So okay then, the  
9 Board will be issuing an order within 90 days.

10 Wait a second. Oh yes, I did, I  
11 did admit the exhibits, I believe. Just in  
12 case, Respondent's Exhibits 1 and 3. Yes, I  
13 did. Okay. Okay, so this case is concluded.

14 The Board is going to be  
15 deliberating on this in closed session and  
16 then we'll be issuing a written order within  
17 90 days and then all that is left is for the  
18 Board to vote on taking that on in closed  
19 session.

20 (Off the record comments)

21 CHAIRPERSON MILLER: Okay, as  
22 Chairperson of the Alcoholic Beverage Control



1 Board for the District of Columbia and in  
2 accordance with Section 405 of the Open  
3 Meetings Amendment Act of 2010, I move that  
4 the ABC Board hold a closed meeting for the  
5 purpose of seeking legal advice from our  
6 counsel on Case Number 13-CMP-00287, Uncle  
7 Lee's Seafood.

8 Per Section 405(b)(4) of the Open  
9 Meetings Amendment Act of 2010 and  
10 deliberating upon this case for the reasons  
11 cited of Section 405(b)(13) of the Open  
12 Meetings Amendment Act of 2010. Is there a  
13 second?

14 MEMBER BROOKS: Second.

15 CHAIRPERSON MILLER: Mr. Brooks  
16 has seconded the motion. I'll now take a roll  
17 call vote, now that the motion has been  
18 seconded. Mr. Brooks?

19 MEMBER BROOKS: I agree.

20 CHAIRPERSON MILLER: Mr. Alberti?

21 MEMBER ALBERTI: I agree.

22 CHAIRPERSON MILLER: Mr.

1       Rodriguez?

2                   MEMBER RODRIGUEZ:   I agree.

3                   CHAIRPERSON MILLER:   And Ms.

4       Miller agrees.   Mr. Silverstein?

5                   MEMBER SILVERSTEIN:   I agree.

6                   CHAIRPERSON MILLER:   Mr. Short?

7                   MEMBER SHORT:   I agree.

8                   CHAIRPERSON MILLER:   Mr. Jones?

9                   MEMBER JONES:   I agree.

10                  CHAIRPERSON MILLER:   It appears  
11       that the motion has passed by a vote of 7-0-0,  
12       and therefore the Board will consider this  
13       case in closed session and issue an order  
14       within 90 days.

15                  MR. JUNG:   Okay.

16                  CHAIRPERSON MILLER:   Okay.   Thank  
17       you very much.

18                  MS. ZANIEL:   Thank you.

19                  MS. RAINES:   Thank you.

20                  MR. JUNG:   Thank you.

21                  (Whereupon, at 3:11 p.m., the show  
22       cause hearing was adjourned.)

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